1 2 3 4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE DISTRICT OF ARIZONA 6 IN RE BARD IVC FILTERS No. MD-15-02641-PHX-DGC PRODUCTS LIABILITY LITIGATION 7 SECOND AMENDED MASTER SHORT FORM COMPLAINT FOR DAMAGES TERRY SNIDER, 8 FOR INDIVIDUAL CLAIMS AND Plaintiff, **DEMAND FOR JURY TRIAL** 9 v. 10 C. R. BARD and BARD PERIPHERAL 11 VASCULAR, INC., 12 Defendants. 13 FIRST AMENDED SHORT FORM COMPLAINT 14 Plaintiff(s) named below, for their Complaint against Defendants named below, 15 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). 16 Plaintiff(s) further show the Court as follows: 17 1. Plaintiff/Deceased Party: 18 Terry Snider_ 19 Spousal Plaintiff/Deceased Party's spouse or other party making loss of 2. 20 consortium claim: 21 Not Applicable_ 22

3.				
٥.	Other Plaintiff and capacity (i.e., administrator, executor, guardian,			
	conservator):			
	Not Applicable			
4.	Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at			
	the time of implant:			
	Michigan			
5.	Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at			
	the time of injury:			
	Michigan			
6.	Plaintiff's current state(s) [if more than one Plaintiff] of residence:			
	Michigan			
7.	District Court and Division in which venue would be proper absent direct filing:			
	United States District Court Northern District of West Virginia			
8.	Defendants (check Defendants against whom Complaint is made):			
	☑ C.R. Bard Inc.			
	☑ Bard Peripheral Vascular, Inc.			
9.	Basis of Jurisdiction:			
	✓ Diversity of Citizenship			
	□ Other:			
	a. Other allegations of jurisdiction and venue not expressed in Master			
	Complaint:			
	Second Amended Case Management Order No. 4			
	4.5.6.7.8.			

1	10.	Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a				
2		claim (Check applicable Inferior Vena Cava Filter(s)):				
3			Recovery® V	Vena Cava Filter		
4		\checkmark	G2® Vena C	Cava Filter		
5			G2 [®] Express	s Vena Cava Filter		
6		☐ G2® X Vena Cava Filter				
7		□ Eclipse® Vena Cava Filter				
8			Meridian® V	Vena Cava Filter		
9			Denali® Ver	na Cava Filter		
10			Other:			
11	11.	Date of Implantation as to each product:				
12		11/29/2007				
13						
14	12.	Counts in the Master Complaint brought by Plaintiff(s):				
15		\checkmark	Count I:	Strict Products Liability – Manufacturing Defect		
16		\checkmark	Count II:	Strict Products Liability – Information		
17		Defect (Failure to Warn)				
18		\checkmark	Count III:	Strict Products Liability – Design Defect		
19		\checkmark	Count IV:	Negligence - Design		
20		\checkmark	Count V:	Negligence - Manufacture		
21		\checkmark	Count VI:	Negligence – Failure to Recall/Retrofit		
22						

	Count VII:	Negligence – Failure to Warn			
	Count VIII:	Negligent Misrepresentation			
\blacksquare	Count IX:	Negligence Per Se			
	Count X:	Breach of Express Warranty			
	Count XI:	Breach of Implied Warranty			
	Count XII:	Fraudulent Misrepresentation			
V	Count XIII:	Fraudulent Concealment			
	Count XIV:	Violations of Applicable Michigan Law Prohibiting			
(Consumer Fraud and Unfair and Deceptive Trade Practices				
	Count XV:	Loss of Consortium			
	Count XVI:	Wrongful Death			
	Count XVII:	Survival			
\checkmark	Punitive Dan	mages			
	Other(s):	(please state the facts supporting			
	this Count in	the space immediately below)			
13. Jury	Trial demande	d for all issues so triable?			
	Yes				
	✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓	☐ Count VIII: ☐ Count IX: ☐ Count XI: ☐ Count XII: ☐ Count XIII: ☐ Count XIV: ☐ Count XIV: ☐ Count XV: ☐ Count XVI: ☐ Count XVI: ☐ Count XVII: ☐ Count XVII: ☐ Count XVIII: ☐ Other(s): ☐ this Count in ☐ — — — — — — — — — — — — — — — — — — —			

No 1 RESPECTFULLY SUBMITTED this 26th day of November, 2018. 2 Respectfully submitted, 3 By: /s/Thomas P. Cartmell 4 Thomas P. Cartmell (MO Bar No. 45366) (admitted *pro hac vice*) 5 Wagstaff & Cartmell, LLP 4740 Grand Ave., Suite 300 6 Kansas City, MO 64112 (816) 701-1100 7 (816) 531-2372 (fax) tcartmell@wcllp.com 8 By: /s/David C. DeGreeff David C. DeGreeff (MO Bar No. 55019) 9 (admitted *pro hac vice*) Wagstaff & Cartmell, LLP 10 4740 Grand Ave., Suite 300 Kansas City, MO 64112 11 (816) 701-1100 (816) 531-2372 (fax) 12 ddegreeff@wcllp.com 13 Attorneys for Plaintiff 14 15 I hereby certify that on this 26th day of November, 2018, I electronically transmitted 16 the attached document to the Clerk's Office using the CM/ECF System for filing and 17 transmittal of a Notice of Electronic Filing. 18 /s/ David C. DeGreeff 19 20 21 22